

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ANN MARIE ARBOUR,)
)
Plaintiff,)
)
v.)
)
THE MICROOPTICAL CORPORATION,)
)
Defendant.)
)
)

JOINT STATEMENT

Pursuant to Local Rule 16.1(D) and the Court's August 25, 2005 Notice of Scheduling Conference, The MicroOptical Corporation and ("MicroOptical") and Ann Marie Arbour submit this Joint Statement. This Joint Statement also constitutes the parties' agenda for the conference.

1. Proposed Discovery Schedule

Pursuant to Local Rule 16.1(D)(1)(b), the parties have considered conducting phased discovery and have determined that it would not be desirable. Accordingly, the parties propose the following pretrial schedule:

- a) The parties shall exchange initial disclosures no later than October 12, 2005.
- b) Experts shall be designated by February 28, 2005.
- c) Service of all discovery requests and deposition notices shall be made by March 29, 2006.
- d) All discovery shall be completed by April 28, 2006.

The parties further propose that they may stipulate to extend any of (b), (c), or (d) above by up to twenty-one (21) days without requesting Court approval, provided that such extension does not affect the schedule for dispositive motions set forth below.

2. Length of Depositions

Pursuant to Fed. R. Civ. P. 30(d)(2), the parties agree that plaintiff's deposition shall be limited to fourteen (14) hours of testimony. The parties further agree that the plaintiff may designate one deponent to be subject to giving up to fourteen (14) hours of deposition testimony. All other depositions shall be limited to seven (7) hours of testimony. The parties may stipulate to other time limitations for depositions. Nothing in this paragraph is intended to limit either party's right to request that the court allow additional time for any deposition pursuant to Fed. R. Civ. P. 30(d)(2).

3. Proposed Schedule for Dispositive Motions

The parties propose the following schedule and terms concerning dispositive motions.

- a) Dispositive motions shall be filed by May 31, 2006.
- b) Oppositions to dispositive motions shall be filed by June 30, 2006.
- c) Replies to oppositions shall be filed by July 17, 2006. Replies to oppositions to dispositive motions are authorized without further leave of court, provided that such replies shall be no longer than ten (10) pages, double-spaced.
- d) A pre-trial conference will be scheduled after the resolution of the dispositive motions.

4. Local Rule 16.1(D) Certifications

Attached to this Joint Statement is the certification by Defendant as required by Local Rule 16.1(D)(3). Plaintiff's certification will be filed no later than October 18, 2005.

5. Trial by Magistrate

The parties do not consent to trial by magistrate judge.

ANN MARIE ARBOUR

By her attorney,

/s/ David R. Ardito

David R. Ardito (BBO# 630025)
Bates Building, Suite #215A
7 North Main Street
Attleboro, MA 02703
(508) 431-2222

Dated: October 11, 2005

THE MICROOPTICAL CORPORATION

By its attorneys,

/s/ Robert M. Hale

Robert M. Hale (BBO# 217170)
Erin S. Martino (BBO# 658100)
GOODWIN PROCTER LLP
Exchange Place
Boston, MA 02109
(617) 570-1000

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ANN MARIE ARBOUR,

Plaintiff,

v.

THE MICROOPTICAL CORPORATION,

Defendant.

C.A. No. 05-11730-PBS

LOCAL RULE 16.1(D)(3) CERTIFICATION

Pursuant to Local Rule 16.1(D)(3) of the United States District Court, District of Massachusetts, counsel for The MicroOptical Corporation (“MicroOptical”) and MicroOptical hereby confirm that they have conferred (1) with a view to establishing a budget for the costs of conducting the full course – and various alternative courses - of litigation; and (2) to consider the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

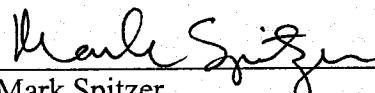
THE MICROOPTICAL CORPORATION

By its attorneys,



Robert M. Hale (BBO No. 217170)
Erin S. Martino (BBO No. 658100)
GOODWIN PROCTER LLP
Exchange Place
Boston, MA 02109-2881
(617) 570-1000

By its authorized representative,



Mark Spitzer
Chief Executive Officer
The MicroOptical Corporation

Date: October 6, 2005